THE HON'BLE SRI. JUSTICE GODA RAGHURAM

W.P.No. 4377 of 2006

07-03-2006

Between:-

M/s. International Wines, Pedagantyada Industrial Estate, Gajuwaka, Vishakapatnam, rep., by its Proprietor and D-2 licensee Dr. M. Royal Reddy.

Petitioner

And

Government of Andhra Pradesh, rep., by its Secretary, Revenue (Excise-III) Department, Secretariat, Hyderabad and two others.

Respondents

THE HON'BLE MR. JUSTICE GODA RAGHURAM

W.P.No. 4377 of 2006

Oral order:

The petitioner has a distillery license (D-2) for manufacture of Indian Made Foreign Liquor. The petitioner's distillery license was suspended on 31-03-1999 and eventually cancelled. Against the cancellation, the petitioner preferred W.P.No. 16066 of 2003. By the order dated 27-02-2004, this court allowed the writ petition setting aside the order of cancellation. Criminal proceeding initiated against the petitioner for the self-same violation culminated in its acquittal. The petitioner approached the State for renewal of the D-2 license consequent on the result of W.P.No. 16066 of 2003. The Government issued orders in G.O.Rt.No.1093 Revenue (Excise-III) Department dated 24-07-2004 taking an 'in principle decision' to implement the judgment of this court in W.P.No. 16066 of 2003.

The 2nd respondent called upon the petitioner to pay license fee for the year 2005-06, which the petitioner did. The petitioner's license was also renewed for the year 2005-06. The petitioner's grievance is that for the ensuing year 2006-07, the 3rd

respondent—The A.P. Beverages Corporation Limited—is likely to follow the terms and conditions of the invitation of offers stipulated for the previous year i.e., 2005-06; that one of the stipulations is that only a distillery which has sold a minimum quantity of 50,000 cases of alcoholic beverages in the previous year, is eligible to bid; and as the petitioner did not factually sell any quantity on account of the cancellation of its distillery license which was in force during the part of the year, this condition operates invidiously only against the petitioner, though it has been cleared of all the allegations, by the orders in W.P.No. 16066 of 2003.

After instituting the writ petition, learned counsel for the petitioner states that the petitioner now would like to pursue the issue with the State Government and the 3rd respondent as preponderant policy issues are involved and would like to keep its options open to approach this court in case its persuasion with the respondent Nos. 1 and 3 does not succeed.

Recording the submission the writ petition is disposed of. The petitioner is at liberty to make representations to the 1st and 3rd respondent and in case such representations are made, this court is not in doubt the respondents will consider those representations and expeditiously having regard to the fact that the new excise year is likely to commence from 01-04-2006. No costs.

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GODA RAGHURAM, J

Dated:07-03-2006

Pvks/*